



# Haverling

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

**7.30 pm**

**Thursday  
11 February 2021**

**VIRTUAL MEETING**

Members 8: Quorum 3

**COUNCILLORS:**

**Conservative Group  
(4)**

Robby Misir (Chairman)  
Carol Smith (Vice-Chair)  
Philippa Crowder  
Matt Sutton

**Residents' Group  
(1)**

Stephanie Nunn

**Upminster & Cranham  
Residents Group'  
(1)**

John Tyler

**Independent Residents  
Group  
(1)**

David Durant

**Labour Group  
(1)**

Paul McGeary

**For information about the meeting please contact:**

**Taiwo Adeoye - 01708 433079  
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
before Tuesday 9 February 2021**

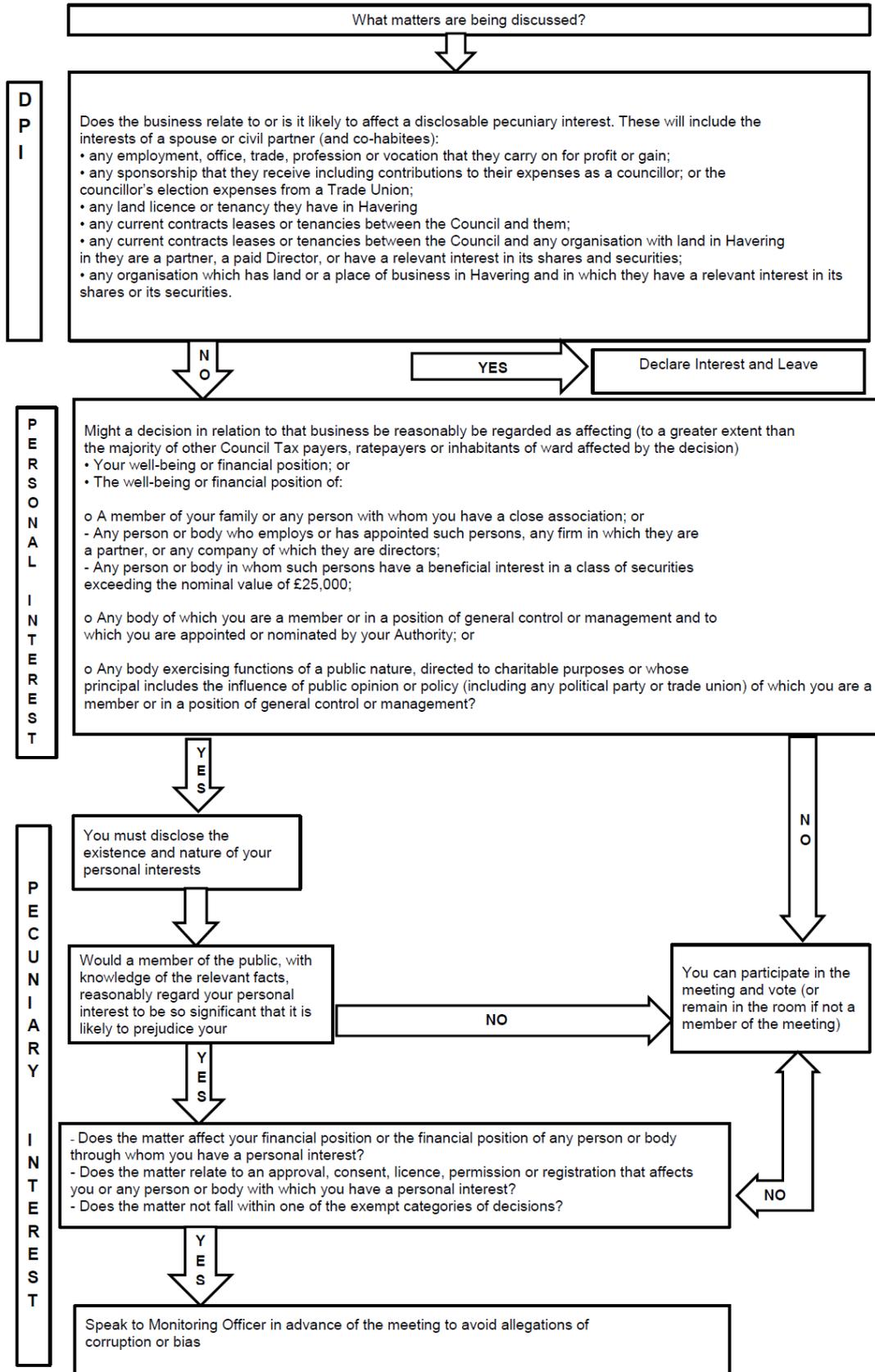
**Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## AGENDA ITEMS

### 1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce to members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

The Chairman would also remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### 2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

### 3 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### 4 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 4)

Protocol attached to be noted by the Committee.

### 5 MINUTES (Pages 5 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 14 January 2021 and to authorise the Chairman to sign them.

### 6 APPLICATIONS FOR DECISION (Pages 7 - 10)

See attached document

### 7 P0528.20 - OCKENDON KENNELS, OCKENDON ROAD (Pages 11 - 28)

Report attached.

**8 P1836.17 - PRIORY ROAD** (Pages 29 - 46)

Report attached.

**9 QUARTERLY PLANNING PERFORMANCE - UPDATE** (Pages 47 - 52)

Report attached.

**Andrew Beesley**  
**Head of Democratic Services**

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## LONDON BOROUGH OF HAVERING

### PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS

#### 1. Introduction

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Planning Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

#### 2. Prior to the Hearing

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

#### 3. Format

For the duration of the Covid-19 restrictions period, all Planning Committee meetings will be delivered through conference call, using Zoom software. This can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

#### 4. Structure of the Meeting

Although held in a virtual format, Planning Committee Meetings will follow the standard procedure with the following principal stages. Committee Members may ask questions of any party at any time. Questions are however, usually taken after each person has spoken.

- The Planning Officer presents their report (no time limit).
- Objectors to the application make their representations. Parties who are speaking should not repeat the information, which they have already given in writing in their representation. However, they will be able to expand on the written information given, provided the information remains relevant (3 minutes per registered objector).
- The applicant responds to the representations made (3 minutes).
- The Councillor who has called in the application (3 minutes).
- Ward Councillors for the area affected by the application (3 minutes per Councillor).
- The Planning Officer will then present a summary of the material planning considerations (no time limit).
- The Planning Committee members will then debate the item.

- The Clerk will ask members of the Committee to indicate which way they wish to vote and the Clerk will announce the decision of the Committee.

## **5. Technology Issues**

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of the applications together with all representations on the matter. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, together with access for the Press, will be provided via a webcast of the meeting at [www.havering.gov.uk](http://www.havering.gov.uk).

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting.

## **6. Management of Remote Meetings for Members**

The Chairman will normally confirm at the outset and at any reconvening of a Planning Committee or Cabinet meeting that they can see and hear all participating members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.

The attendance of Members at the meeting will be recorded by the Democratic Services Officer. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.

If a connection to a Member is lost during a meeting of the Planning Committee, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion, as they would not have heard all the facts.

## **7. Remote Attendance of the Public**

Any member of the public participating in a meeting remotely in exercise of their right to speak at a Planning Committee or other meeting must meet the same criteria as members of the Committee (outlined above) in terms of being able to access and, where permitted, speak at the meeting. The use of video conferencing technology for the meeting will facilitate this and guidance on how to access the meeting remotely will be supplied by the clerk.

## **8. Etiquette at the meeting**

For some participants, this will be their first virtual meeting. In order to make the hearing productive for everyone, the following rules must be adhered to and etiquette observed:

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If it is possible, participants should find a quiet location to participate in the Zoom meeting where they will not be disturbed as background noise can affect participants.
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent technological faults during the meeting then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **9. Meeting Procedures**

Democratic Services Officers will facilitate the meeting. Their role will be to control conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chairman.

The Council has put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution.

The Chairman will follow the rules set out in the Council's Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

The Chairman, at the beginning of the meeting, will explain the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.

Members are asked to adhere to the following etiquette during remote attendance of the meeting:

- Committee Members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services Officers the opportunity to test the equipment.
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard and use the 'raise hand' function in the chat box.
- Only speak when invited to by the Chair.
- Only one person may speak at any one time.
- When referring to a specific report, agenda page, or slide, participants should mention the report, page number, or slide so that all members have a clear understanding of what is being discussed at all times

The Chairman will explain, at the relevant point of the meeting, the procedure for participation by registered public objectors, which will reflect the procedures outlined above. Members of the public must adhere to this procedure otherwise; they may be excluded from the meeting.

For voting, the Democratic Services Officer will ask Members to indicate their vote – either FOR, AGAINST or ABSTAIN, once debate on an application has concluded.

The Democratic Services Officer will clearly announce the result of the vote and the Chairman will then move on to the next agenda item.

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator, who will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation, will confirm the departure.

#### **10. After the Hearing - Public Access to Meeting Documentation following the meeting**

Members of the public may access minutes, decision and other relevant documents through the Council's website. [www.havering.gov.uk](http://www.havering.gov.uk)

For any further information on the meeting, please contact [richard.cursons@onesource.co.uk](mailto:richard.cursons@onesource.co.uk), tel: 01708 432430.

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
VIRTUAL MEETING  
14 January 2021 (7.30 - 8.00 pm)**

**Present:**

**COUNCILLORS: 8**

**Conservative Group** Carol Smith (in the Chair), Philippa Crowder,  
Matt Sutton and John Crowder

**Residents' Group** Stephanie Nunn

**Upminster & Cranham  
Residents' Group** John Tyler

**Independent Residents  
Group** David Durant

**Labour** Paul McGeary

An apology was received for the absence of Councillor Robby Misir.  
+ Councillor John Crowder substituted for Councillor Misir.

Unless otherwise indicated all decisions were agreed with no vote against.

**31 PROTOCOL ON THE OPERATION OF PLANNING COMMITTEE  
MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

The Committee noted the protocol on the operation of its meetings during the pandemic period.

**32 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**33 MINUTES**

The minutes of the meeting held on 17 December 2020 were agreed as a correct record and would be signed by the Chairman at a later date.

34 **P1499.20 - GIDEA PARK RUGBY CLUB, CROW LANE, ROMFORD**

Members noted that the application had been called-in by Councillor Robert Benham.

As Councillor Benham or a representative was not present to explain the call-in it was **AGREED** that the application be referred back to officers for their consideration under the delegated powers procedure.

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**Chairman**

## Agenda Item 6

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

##### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

**Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

**Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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<b>Application Reference:</b>	<b>P0528.20</b>
<b>Location:</b>	<b>Ockendon Kennels, Ockendon Road</b>
<b>Ward:</b>	<b>Upminster</b>
<b>Description:</b>	<b>Demolition of an existing building, conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.</b>
<b>Case Officer:</b>	<b>Adèle Hughes</b>
<b>Reason for Report to Committee:</b>	<b>The terms of the planning obligation have changed.</b>

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## **1 BACKGROUND**

- 1.1 This application went to the Planning Committee on 30<sup>th</sup> July 2020, where there was a resolution to grant planning permission subject to conditions and the completion of a legal agreement. The application included the provision of 35% affordable housing comprising of two units in shared ownership (units 4 and 14) and three units for social/affordable rent (Units 11, 12 and 13). It is noted that this level of affordable housing provision scheme was policy compliant and therefore, no viability assessment was required.
- 1.2 The developer, Marvin Developments Ltd, approached twenty-four registered providers and asked if they would be interested in purchasing the five affordable housing units. Eight of the registered providers approached, own 95% of the housing association stock in the borough. None of these twenty-four registered providers expressed any interest in acquiring the affordable housing at Ockendon Kennels. The reasons given by the 24 associations as to the lack of interest include:
- The small number of affordable housing dwellings due to density.

- The location of the site relative to transport, local community facilities and employment.
  - The scale of the development would result in a modest number of affordable housing units and there would be practical difficulties surrounding the delivery, design or on-going management of these and/or a mix of tenures.
  - The affordable housing units would be expensive to create and maintain with high service costs.
- 1.3 The London Borough of Havering Planning Guidance Note for Commuted Sum Payments for Affordable Housing sets out the Council's approach to the circumstances where it is not appropriate for the affordable housing to be provided either 'on-site' or on an agreed alternative site and, following from this, where the Council considers that a commuted sum payment to the Council in lieu of 'on-site' provision may be appropriate.
- 1.4 Paragraph 62 of the National Planning Policy Framework (NPPF) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 1.5 The Council accepts the applicant's justification for the commuted sum payment due to a lack of interest from twenty-four registered providers, due to the small number of affordable housing units in an isolated location. The applicant has advised that an off-site solution could not be considered as MDL is a new company and only has ownership of Ockendon Kennels. It does not control/own any other site and cannot offer an alternative site to re-locate the five affordable housing dwellings to. A commuted sum payment is all that can be achieved on this site. The Council appointed BPS Surveyors to act as their independent advisor and work with Marvin Developments and their consultant, KCL to identify an appropriate commuted sum. Following detailed discussions between the parties and a review of viability information, it has been agreed that a commuted sum payment of £462,280 should be paid in lieu of the on-site provision. The calculation is based upon the formula contained in the London Borough of Havering Planning Guidance Note for Commuted Sum Payments for Affordable Housing that was adopted by Cabinet in January 2017 for calculating a payment in lieu of the on-site affordable housing provision. On the commuted sum. On this basis, the Council has limited grounds to depart from this guidance and the advice that we have received that the commuted sum offered complies with this.
- 1.6 In accordance with independent advice from BPS Surveyors, the terms of the planning obligations have changed to include a late stage viability review mechanism relating to the provision of affordable housing. The late stage review is required to ensure that any profit is shared between the organisation providing the finance and the Local Planning Authority (for additional affordable housing provision in the event that viability has improved since the application stage).

1.7 The report is now brought back to Members, updated with further information on the above matter. The previous report has been transferred across and reproduced below from section 3.2 onwards for completeness, with the exception of sections 7.32 – 7.36 which relate to affordable housing.

1.8 The application was originally called in by Councillor Ower and Councillor Wilkins, on the grounds that the site has an extensive planning history, the proposed development is in the Green Belt, the dwellings are out of keeping with nearby homes and in the local conservation area. The proposed development would be sitting in an established conservation/green belt area and should definitely not be built on.

Officer note: The North Ockendon Conservation Area is located to the east and is on the opposite side of Ockendon Road to the south.

## **2 SUMMARY OF KEY REASON FOR RECOMMENDATION**

2.1 The proposed development is considered to be acceptable in principle. It is considered that the proposal would not result in material harm to the Metropolitan Green Belt, would integrate satisfactorily with the streetscene, would not adversely affect neighbouring amenity or create any highway or parking issues. This application is recommended for approval subject to conditions and the completion of a legal agreement.

## **3 RECOMMENDATION**

3.1 That the Committee resolve to grant planning permission subject to conditions and the prior completion of a legal agreement to secure the following planning obligations:

- A commuted sum payment of £462,280.
- A late stage viability review mechanism relating to the provision of Affordable Housing.
- Management and maintenance of open space outside of residential curtilage in development
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

3.2 That the Assistant Director of Planning is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

## **Conditions**

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Materials – The proposed dwellings hereby approved shall be constructed in accordance with the details shown on Drawing No. 62 Revision C – Proposed Materials and Section 7 (Materials) of the application form unless otherwise agreed in writing by the Local Planning Authority.
3. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
4. Landscaping - Notwithstanding the details shown on the approved plans including Drawing No. 62 Revision C and the Arboricultural Impact Assessment, no above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees, shrubs and hedgerows on the site, and details of any to be retained, together with measures for the protection in the course of development.
5. Trees – Prior to the commencement of the proposed development hereby permitted and notwithstanding the Arboricultural Impact Assessment dated 17/07/13, a current arboricultural impact assessment including tree protection measures and any recommendations shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved arboricultural report, including any recommendations.
6. Flower beds - The flower beds shown Drawing No.'s 30 Revision E, 31 Revision E, 34 Revision C, 35 Revision C, 37 Revision C, 39 Revision C, 40 Revision C, 42 Revision C, 44 Revision C, 45 Revision C, 47 Revision C, 49 Revision C, 52 Revision C and 54 Revision C shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
7. SUDS– The proposed development shall be implemented in accordance with the SuDSmart Pro SUDS strategy (report reference 72969R1) dated 27-03-2020 and maintained in perpetuity in accordance with this strategy.
8. Car parking – Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
9. Garage condition - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Order) or any other order replacing or amending the said Order the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.
10. Boundary treatment – Notwithstanding the details shown on the approved plans including Drawing No. 33 Revision E entitled 'Proposed boundary details layout', details of all proposed walls, fences, gates and other boundary treatment shall be submitted to and approved by the Local Planning Authority.
11. Removal of permitted development rights – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Order) or any other order replacing or amending the said Order

- other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.
12. Refuse – Notwithstanding the details on the approved plans and prior to the first occupation of any dwelling hereby permitted, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority.
  13. Standard flank window condition – No window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank walls of the building(s) unless specific written permission has first been sought and obtained from the Local Planning Authority.
  14. Wheel washing - Vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
  15. Vehicle access – No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.
  16. Vehicle visibility splay - The proposals should provide a 4.5 by 80 metre traffic visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
  17. Construction methodology - No works (including for the avoidance of doubt demolition works) shall take place in relation to any of the development hereby approved until a Construction Method Statement to control any adverse impact of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority.
  18. Hours of construction - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
  19. Secured by design – No above ground works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme shall be submitted to and approved in writing by the Local Planning Authority.
  20. Contamination - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
  21. Ecological survey – The proposed development shall be implemented in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey

Inspection dated October 2019 including the recommendations, which shall include the following on site measures:

- Installing integral and external habitat boxes;
- Tree planting, installation of hedgerows as well as significant replacement and enhancement planting, which shall be undertaken as part of the proposal;
- Additional ecological enhancements included as part of the landscaping scheme in Annexe 5 of the Preliminary Ecological Assessment; and
- Appropriate precautionary measures in respect of site clearance relating to badger and reptile species.

If at any time during the works, the presence of bats is suspected or identified, works in that area shall cease immediately and the applicant/developer shall contact a suitably qualified ecologist to liaise with the local planning authority to enable further appropriate action to be implemented.

22. Prior to the commencement of any groundworks or development of the site, details of the enhancement of the site to achieve biodiversity net gain over and above the existing condition of the site shall be provided within a detailed, site specific Biodiversity Management Plan (BMP), in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection dated October 2019, which shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall include a method statement regarding careful timing of the clearance works (limited to March-September), hand destruction of rubbish/rubble piles and ecological supervision as required. The proposed development shall be implemented in accordance with the approved Biodiversity Management Plan.
23. Timing of demolition/vegetation clearance - Demolition and/or removal of trees, hedgerows, shrubs or tall herbaceous vegetation shall be undertaken between October and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.
24. External lighting - Before the buildings hereby permitted are first occupied, a scheme for a bat sensitive lighting scheme in accordance with the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection dated October 2019, shall be submitted to and approved in writing by the Local Planning Authority. All external lighting within the application site shall be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. These standards identify further measures for reducing lighting spill, glare and overall pollution. Further guidance in respect of low impact lighting is provided in Guidance Notes for the Reduction of Obtrusive Light produced by The Institute of Lighting Engineers (ILE). The approved details shall be implemented in full prior to the first occupation of the buildings hereby approved and maintained in perpetuity in accordance with the approved details.
25. Archaeology – No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the

agreed works. If heritage assets of archaeological interest are identified by stage 1, then for those parts of the site which have archaeological interest, a stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the approved stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - B. Where appropriate, details of a programme for delivering related positive public benefits.
  - C. The programme of post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
26. Installation of Ultra-Low NOx boilers- Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.
27. Water efficiency – All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water efficiency.
28. Give way markings – Give way markings within the application site should be placed at the junction of the access road and Ockendon Road conforming to Traffic Signs Regulations and General Directions to ensure highway safety in accordance with details to be submitted and approved in writing by the Local Planning Authority and retained permanently thereafter.
29. Demolition of buildings - Prior to the first occupation of any dwelling hereby permitted, buildings G – X shown on Drawing No.'s 02, 15, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31 Revision E and 33 Revision E shall be demolished in their entirety and all material arising there from permanently removed from the site.

### **Informatives**

1. Approval following revision
  2. Approval and CIL
  3. Fee informative
  4. Highway informatives
  5. Street naming and Numbering
  6. Secured by design informative
  7. Archaeology informative
- 3.4 That, if by 11<sup>th</sup> June 2021 the legal agreement has not been completed, the Assistant Director of Planning is delegated authority to refuse planning permission.

## 4 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The proposal is for the demolition of an existing building (Building L in Plot 10), conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.
- 4.2 The proposed materials for the dwellings are brick, featheredge cladding, cement slate tiles and timber windows and doors.

### Site and Surroundings

- 4.3 The site, which is approximately 2 hectares in area, forms a broadly rectangular area of land, running in an east-west direction. The site's western and northern boundaries adjoin open land in agricultural use; the southern boundary adjoins Ockenden Road; whilst the eastern boundary adjoins a field, which is also in the ownership of the applicant, but separate from the application site.
- 4.4 The site involves a range of buildings and more temporary structures associated with its historic use as kennels and for the training of greyhounds. The western end of the site is dominated by a, now redundant greyhound track, whilst the remainder of the site comprises a range of single storey buildings and temporary structures. An area of hardstanding provides vehicle parking and manoeuvring areas, and links the various building plots with the site's access onto Ockenden Road. The site is considered to be in a generally dilapidated condition. The existing use of the site as a Greyhound training and boarding facility has now reduced to such a point that 95% of the buildings are unused. There are still a few dogs being kept on site.
- 4.5 The site is located in the Green Belt and in close proximity to the North Ockenden Conservation Area, which is located immediately to the south and to the east. The nearest neighbouring properties are located in excess of 100m to the south west and to the east.

### Planning History

- 4.6 P0862.18 - Part demolition, extensions and alterations to the existing kennels and outbuildings to form 14 no. dwellings with associated parking, private amenity space and boundary treatment – Approved.

P1915.17 - Conversion of existing kennels and associated outbuildings into 17 dwellings with associated parking and private amenity space - Refused.

P1668.15 - Redevelopment of the existing grey hound track and kennels with the construction of 22No. new dwellings – Refused. Dismissed on appeal.

P0653.15 - Redevelopment of the existing greyhound track and kennels with the construction of 22No. new dwellings – Withdrawn.

P1550.14 - Redevelopment of the existing greyhound track and kennels with the construction of 22No. new dwellings - Withdrawn.

P0742.13 - Replacement of the existing kennels and dog track with 30 new houses and associated amenities / facilities. The remainder of the site to be developed by the Ockendon Wildlife Trust to provide a natural habitat for biodiversity – Refused. Dismissed on appeal.

P2037.08 - Continued use of part kennel block as veterinary surgery (Greyhounds) – Approved with conditions.

P1760.08 - Continued use of part kennel block as veterinary surgery (greyhounds) plus new front extension to form reception office – Refused.

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 Highways: No objection to the proposal and recommends conditions regarding a vehicle visibility splay, vehicle access, vehicle cleansing and informatives.
- 5.3 Thames Water – No objection. Recommends informatives.
- 5.4 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 5.5 Fire Brigade – The Commissioner is satisfied with the proposals. The proposal must strictly adhere to the latest edition of ADB 5: Access and facilities for the fire service. Requested one private fire hydrant to be installed to cover the new houses.
- 5.6 Natural England – No comment.
- 5.7 Environmental health – Recommend three conditions regarding contamination and Ultra-Low NOx boilers if minded to grant planning permission. No concerns in terms of noise.
- 5.8 Environment Department – The site is at low risk of flooding, as it's in Flood Zone 1. The drainage strategy for surface water management and SUDS techniques employed is acceptable. It is noted that along the north eastern boundary of the site, there is an existing ditch line which discharges to a culvert under Clay Tye Road and then to an ordinary watercourse. It would be preferable if the attenuation pond was located closer to Clay Tye Road than what is currently proposed, as any exceedance could be conveyed into the existing ditch line and ordinary watercourse.
- 5.9 Emergency Planning Department – The site shows no real surface water risk either except in the centre of the greyhound track.

- 5.10 Historic England – The planning application lies in an area of archaeological interest. Unlike the 2013 application for new build on the site, the conversion proposals are likely to involve much less archaeological impact. However, the impact from for example, the garages appears to be greater than those proposed in the 2017 and 2018 applications. Numerous cropmarks are visible in the local fields. Roman remains are also recorded to the west along Ockendon Road. The trackway fringing the western boundary of the site may be a remnant of the north south route from Franks Farm, which is known to have at least medieval origins as a proposed pilgrimage route to Canterbury. In view of the lightweight nature of the existing buildings and the density of the new proposals, hitherto undiscovered archaeological remains may be affected by any consented scheme. The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. Consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed if necessary, by a full investigation.
- 5.11 StreetCare Department - Currently the Council provides a sacks collection Service for low rise properties. Waste can be stored in bins outside of scheduled collection day but waste will have to be presented in sacks at the boundary of each property by 7:00am on scheduled collection day.

## **6 LOCAL REPRESENTATION**

6.1 A total of 145 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses:           8 (which consists of 7 objections and 1 letter of representation)

6.3 The following Councillors made representations:

The application has been called in by Councillor Ower and Councillor Wilkins on the grounds that the site has an extensive planning history, the proposed development is in the Green Belt, the dwellings are out of keeping with nearby homes and in the local conservation area. The proposed development would be sitting in an established conservation/green belt area and should definitely not be built on.

Officer note: The North Ockendon Conservation Area is located to the east and is on the opposite side of Ockendon Road to the south.

### **Representations**

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

## Objections

- The proposal would cause additional traffic problems,
- There is no need for this type of housing.
- The proposal would be detrimental to highway safety;
- There are no footpaths on that side of the road to access the bus stop.
- The proposal would be harmful to the Green Belt.
- Noise.
- Queried if the site was in a conservation area.
- The site was in agricultural land use before and should return to agricultural/green usage.
- Queried if consultation letters were received by other neighbouring properties.
- Removal of green space.
- Impact on the character and appearance of the surrounding area.
- Impact on Ockendon village, the conservation area and listed buildings.
- Visual impact.
- Drainage.
- It is alleged that some work has commenced on site.
- Access.
- Reference was made to previous planning applications on the site.

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Impact on the Metropolitan Green Belt
- Density/site layout
- The visual impact and impact on amenity arising from the proposed development.
- Highways and parking issues
- Ecology
- Flood risk
- Trees
- Financial and other mitigation
- Affordable housing

### **Background**

7.2 It should be noted that a previous application under P0862.18 for the part demolition, extensions and alterations to the existing kennels and outbuildings to form 14 no. dwellings with associated parking, private amenity space and boundary treatment was approved subject to conditions and a legal agreement to secure the affordable housing.

7.3 The current application proposes the demolition of an existing building, conversion, part demolition and part extension of the existing kennels and associated outbuildings into 14 dwellings with associated parking, garages,

private amenity space and landscaping of communal open space. The acceptability of the current proposal would be evaluated later in this report.

7.4 The main differences between planning applications P0862.18 and P0528.20 are as follows:

- Garages have been added to plots 2, 3, 5, 6, 8, 9 and 10.
- The size of the dwellings in plots 1-10 has increased.
- For P0862.18, the proposal involved a single storey front extension and replacing the flat roof with a thatched hipped roof to building L (in Plot 10) to create a two-bedroom (4 person) dwelling. For this application, building L would be demolished and replaced with a three-bedroom (six person) dwelling with accommodation in the roof space.
- The eastern boundary of the site has changed.
- There have been some changes to the site layout and the length of the road within the site has increased.
- The size of the rear garden for Plot 1 has been reduced from approximately 352 to 238 square metres.
- The size of the garden for Plot 9 has increased from approximately 641 to 953 square metres.

7.5 During the course of the application, negotiations took place with the agent and the proposal was amended as follows:

- The gardens of the dwellings were reduced to broadly reflect those of the previously approved application, P0862.18.
- The garage to unit 14 has been removed.
- The dwellings in plots 11, 12, 13 and 14 have been reduced in size to reflect the footprint and scale of the previously approved application.
- The proposed extensions to the dwellings in plots 1-9 have been reduced, so they now represent a volume increase of approximately 8% to the existing buildings on the site.
- The number of car parking spaces has been reduced from two to one for each of the dwellings in Plots 2, 3, 5, 6, 8, 9 and 10, as these properties also have a garage.
- The material for the car parking spaces for all the plots and the visitor parking has changed from block paving to grass grids.

#### **Principle of development**

7.6 The site is located in the Metropolitan Green Belt. The NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Another exception is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

7.7 The proposal involves the demolition of an existing building, conversion, part demolition and part extension of the existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and

landscaping of communal open space. The Design and Access statement submitted in support of the application states that the main bulk of the buildings are of a permanent construction. The buildings have solid concrete floors, brick walls, concrete frames and trusses. They are suitable to be converted with the addition of external insulation and cladding. The asbestos roofs will be removed and replaced with slates. The proposed extensions to the plots are single storey and relatively modest in size and as such, it is considered that they would not result in disproportionate additions over and above the size of the existing buildings. The proposal involves the demolition of an existing building (Building L in Plot 10) and Staff consider this to be acceptable in principle as it involves the partial redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

### **Impact on the Metropolitan Green Belt**

- 7.8 As the proposal involves the demolition of an existing building, conversion, part demolition and part extension of existing kennels and associated outbuildings into 14 dwellings, it is considered that the proposal would not be harmful to the visual amenities of the Green Belt and the surrounding area. With the exception of the building in plot 10 (which is being demolished), the existing buildings have a ridge height of approximately 4.2m and this height will stay the same. The existing buildings on the site have a volume of approximately 7,062 cubic metres and the volume of the proposed development is approximately 7,742 cubic metres. This represents a volume increase of approximately 8% to the existing buildings on the site, which Staff consider to be minimal. The proposed extensions to the plots are single storey and relatively modest in size. All additions to buildings would be within the existing developed envelope of the site and as such, it is considered that they would not result in material harm to the Green Belt.
- 7.9 It is considered that reducing the size of the dwellings in plots 11, 12, 13 and 14 to reflect the footprint and scale of the previously approved application, reducing the size of the gardens of the dwellings to broadly reflect those of the previously approved application, P0862.18, removing the garage to unit 14, reducing the proposed extensions to the dwellings in plots 1-9, reducing the number of car parking spaces from two to one for each of the dwellings in Plots 2, 3, 5, 6, 8, 9 and 10 have collectively brought the proposal within the realms of acceptability. In addition, it is considered that changing the material for the car parking spaces for all the plots and the visitor parking from block paving to grass grids will minimise its visual impact and reflect the rural, Green Belt setting of the site.
- 7.10 Taking all the above factors into account, it is considered that the proposal would preserve the openness of the Green Belt and would not result in material harm to the character and appearance of the Metropolitan Green Belt.

### **Density/site layout**

- 7.11 The site has an area of approximately 2 hectares and has a PTAL rating of 1b. In a suburban area of 2.7-3.0 hr/unit in a PTAL of 0 to 1, the recommended density range stated in the LDF is 50-75 units per hectare. The proposal equates to a density of approximately 7 units per hectare, which is below the range. It is considered however that the relatively low density of development on this site is

acceptable in principle owing to the nature of the proposal and the constraints presented by the form of the site, which would prevent the site from being successfully developed at a higher density.

- 7.12 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conform to minimum internal space standards set out in the plan. In this instance, the proposed dwellings would meet all the criteria of the DCLG Technical Housing Standard. In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight.
- 7.13 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 7.14 It is considered that the amenity space for the proposed dwellings would not be unacceptably overlooked by neighbouring properties. In addition, boundary treatment and landscaping conditions will be imposed if minded to grant planning permission. Staff are therefore of the opinion that the amenity spaces would be private, screened from general public view and access, and are in a conveniently usable form. As a result, it is considered that the proposed amenity area of the new dwellings complies with the requirements of the Design for Living SPD and is acceptable in this instance.

#### **Visual impact**

- 7.15 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to the visual amenities of the area and the Green Belt.
- 7.16 Policy DC68 of the LDF mainly imposes controls on development within conservation areas, but does state that the character of conservation areas should be preserved or enhanced. Given the siting of the proposal in relation to the North Ockenden Conservation Area, with the presence of an open field immediately to the east of the site, and the proposed rear gardens and public highway at the southern end of the site affording a degree of separation, it is considered that the proposal would not significantly harm the setting of the aforementioned conservation area.
- 7.17 The site currently has a ramshackle appearance with significant areas of hardstanding and a range of buildings covering much of the site area. The proposal involves the demolition of an existing building, conversion, part

demolition and part extension of existing kennels and associated outbuildings into 14 dwellings with associated parking, garages, private amenity space and landscaping of communal open space.

- 7.18 Staff consider that the proposal would not be harmful to the character and appearance of the streetscene or the conservation area, as with the exception of building 'L' in plot 10, the buildings will remain the same height as existing. The proposed development would increase the volume of the existing buildings on the site by approximately 8%, which Staff consider to be minimal given the overall size of the site and building coverage. The proposed extensions to the plots are single storey, relatively modest in size and are deemed to be acceptable. The submitted details indicate that the proposed materials consist of yellow facing brick, black painted featheredge cladding and cement slate tiles reflecting a rural, Essex vernacular and these materials can be secured by condition if minded to grant planning permission.

#### **Impact on residential amenity**

- 7.19 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The Residential Design SPD provides guidance in relation to the provision of adequate levels of amenity space for the future occupiers of new dwellings.
- 7.20 Notwithstanding the details shown on Drawing No. 33 Revision E (entitled Proposed boundary details layout) and in the event of an approval, it is recommended that a condition be imposed requiring the submission of details relating to the proposed boundary treatments to ensure an adequate amount of privacy would be provided both within the site, and between the site and the surrounding area. A further condition should remove permitted development rights to prevent the insertion of flank windows and the addition of extensions, alterations and outbuildings without planning permission, which may be harmful to neighbouring amenities and have further harmful urbanising effect.
- 7.21 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their design and the modest proportions of the proposed extensions, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.
- 7.22 Officers consider that in terms of the amenity of existing neighbouring occupiers, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

#### **Parking and Highway Implications**

- 7.23 The application proposes the retention of the site's existing access onto Ockendon Road. Neighbouring occupiers have objected to the proposal stating that it would diminish highway safety.
- 7.24 The Council's Highway Authority has raised no objections to the proposal, subject to conditions regarding a vehicle visibility splay, vehicle access, vehicle

cleansing, placing give way markings at the junction of the access road and Ockendon Road and informatives, which can be imposed should planning permission be granted.

- 7.25 The dwellings in Plots 1, 4, 7, 11, 12, 13 and 14 have two car parking spaces. The dwellings in Plots 2, 3, 5, 6, 8, 9 and 10 have a garage and one car parking space. The level of on-site parking is considered to be acceptable. A condition will be placed to ensure that the garages are made available for the parking of private motor vehicles to maintain the level of car parking provision within the site and in particular the conversion of garages to habitable rooms under permitted development is withdrawn by condition. There are nine parking spaces for visitors.
- 7.26 It is considered that the proposal would have an acceptable highway impact, and be in accordance with Policy DC32 of the LDF.

### **Ecology**

- 7.27 Policy DC58 of the LDF states that the biodiversity of sites will be protected and enhanced throughout the borough. Based on the 'Preliminary Ecological Appraisal Incorporating Bat Survey Inspection' dated October 2019, it is considered that the proposal would not result in any significant harm to nature conservation interests. The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. The survey stated that following inspection, the buildings on site are considered to offer at the most, a negligible level of bat roosting potential. No evidence of roosting was found and no further surveys are considered necessary nor appropriate in respect of the buildings. The survey concluded that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific migratory guidance and enhancement recommendations are fully adhered to.
- 7.28 Two conditions are recommended in the event of an approval to ensure that the proposed development is implemented in accordance with the Preliminary Ecological Appraisal (including the recommendations) and the provision of details of the enhancement of the site to achieve biodiversity net gain over and above the existing condition of the site within a detailed, site specific Biodiversity Management Plan (BMP).

### **Trees**

- 7.29 There are no Tree Preservation Orders on the site. An Arboricultural Impact Assessment was submitted with the application dated 17<sup>th</sup> July 2013, which concluded that the proposed project should not affect existing and/or retained trees on the site as long as protection measures set out in the report are followed. A condition is recommended in the event of an approval to ensure that further Arboricultural Impact Assessment (including tree protection measures and any recommendations) is undertaken prior to the commencement of the proposed development in the event that planning permission is granted. Details of landscaping would be secured by condition if minded to grant planning permission.

### **Flood Risk**

- 7.30 The site is located in Flood Zone 1 but occupies an area in excess of 1 hectare. In order to comply with Policy DC48 of the LDF and the guidance contained in the NPPF, it is necessary for the applicant to submit a Flood Risk Assessment (FRA) demonstrating that the proposal would not increase surface water run-off and flood risk outside the site. An FRA was submitted, which concluded that the site is considered to have a low risk of significant fluvial and/or tidal flooding. The Council's Emergency Planning team was consulted and advised at the site shows no real surface water risk. A Sustainable Urban Drainage System (SUDS) strategy was submitted with the application. Surface water disposal from the new development will be via a combination of a retention basin with a minimum holding capacity of 400m<sup>3</sup> and permeable paving for driveways and access roads. The flood risk assessment, drainage strategy for surface water management and SUDS techniques employed are acceptable. A condition will be placed to ensure that the proposed development is carried out in accordance with the SUDS strategy.

### **Financial and Other Mitigation**

- 7.31 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £2,568 Mayoral CIL towards Crossrail
  - £16,050 Havering CIL

### **Affordable Housing**

- 7.32 In terms of affordable housing, the proposal should be assessed against the Mayor's Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance. Additionally, Policy 6.2 of the Draft Local Plan states that all residential dwellings of 10 or more dwellings or residential developments with a site area of more than 1,000 square metres to provide at least 35% affordable housing contribution (based on habitable rooms). Applications which do not meet the 35% policy requirement or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised by the Council and treated transparently. In addition, a review mechanism will be applied to schemes that do not meet this threshold in order to ensure that maximum affordable housing contributions are increased and secured if viability improves over time. Developments will be required to deliver a tenure mix of affordable housing of 70% social/affordable rent and 30% shared ownership.
- 7.33 The London Borough of Havering Planning Guidance Note for Commuted Sum Payments for Affordable Housing sets out the Council's approach to the circumstances where it is not appropriate for the affordable housing to be provided either 'on-site' or on an agreed alternative site and, following from this, where the Council considers that a commuted sum payment to the Council in lieu of 'on-site' provision may be appropriate.
- 7.34 Paragraph 62 of the National Planning Policy Framework (NPPF) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly

justified; and the agreed approach contributes to the objective of creating mixed and balanced communities.

- 7.35 The Council accepts the applicant's justification for the commuted sum payment due to a lack of interest from twenty-four registered providers, due to the small number of affordable housing units in an isolated location. The applicant has advised that an off-site solution could not be considered as MDL is a new company and only has ownership of Ockendon Kennels. It does not control/own any other site and cannot offer an alternative site to re-locate the five affordable housing dwellings to. A commuted sum payment is all that can be achieved on this site. The Council appointed BPS Surveyors to act as their independent advisor and work with Marvin Developments and their consultant, KCL to identify an appropriate commuted sum. Following detailed discussions between the parties and a review of viability information, it has been agreed that a commuted sum payment of £462,280 should be paid in lieu of the on-site provision. The calculation is based upon the formula contained in the London Borough of Havering Planning Guidance Note for Commuted Sum Payments for Affordable Housing that was adopted by Cabinet in January 2017 for calculating a payment in lieu of the on-site affordable housing provision. On the adoption of the Local Plan, the Council's Planning Guidance Note for Commuted Sum Payments for Affordable Housing would fall away and revert back to the London Plan and Local Plan policy. The Council has been advised by BPS Surveyors that £462,280 is the maximum that we can accept as a commuted sum. On this basis, the Council has limited grounds to depart from this guidance and the advice that we have received that the commuted sum offered complies with this.
- 7.36 In accordance with independent advice from BPS Surveyors, the terms of the planning obligations have changed to include a late stage viability review mechanism relating to the provision of affordable housing. The late stage review is required to ensure that any profit is shared between the organisation providing the finance and the Local Planning Authority (for additional affordable housing provision in the event that viability has improved since the application stage). Subject to a late stage review, a commuted sum of £462,280 is deemed to be acceptable.

### **Conclusions**

8. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.



<b>Application Reference:</b>	<b>P1913.17</b>
<b>Location:</b>	<b>Land adjacent to Priory Road</b>
<b>Ward:</b>	<b>Gooshays</b>
<b>Description:</b>	<b>Construction of five residential units with off-street parking, garages and private amenity space.</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<b>The application is by the Council. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.</b>

## 1. BACKGROUND

- 1.1 The application is by the Council and Council owned land, and as such is referred to the Planning Committee for decision in accordance with the Committee Consideration Criteria of the Constitution.

## 2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application would provide five dwellings which would not be detrimental to the character and appearance of the street-scene and would provide a high quality living environment for future occupants, in addition to making adequate provision for off-street parking and private amenity provision.
- 2.2 The site is not within the Metropolitan Green Belt and as matter of judgement there is no in principle objection to the land being brought forward for redevelopment to provide new housing. The current development provides an opportunity to improve upon the ecological value of the land to the west adjacent to Carters Brook and to provide a more inclusive and defined access to the Manor to the rear for the benefit of residents. This is regarded as

complying with relevant planning policy which requires that the loss of open space is to be compensated by improvements to the quality of open space within the vicinity.

- 2.3 In addition to the above, the proposed development would contribute towards meeting unmet Housing Delivery within the Borough which is a material consideration. A significant shortfall in housing delivery compared to housing requirement was identified through the Council failing to meet the requirements of the Housing Delivery Test 2020. As a result of the outcome of the Housing Delivery Test 2020, Paragraph 11 of the National Planning Policy Framework is engaged. Paragraph 11 of the National Planning Policy Framework requires that permission be granted unless any adverse impacts of providing new dwellings to assist the Council in addressing the shortfall would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 2.4 The proposed development is considered acceptable on its own merits, however with consideration given to the requirements of Paragraph 11 of the National Planning Policy Framework, it is not considered that a decision to refuse permission could be substantiated as the level of harm viewed objectively would not outweigh the benefits of granting permission.

### **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

#### **Conditions**

1. Time Limit 3 years - The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications
3. Ecological Survey – Notwithstanding the details submitted with the current application, prior to the commencement of the development hereby permitted an updated ecological survey shall be undertaken and a full and detailed, site specific Biodiversity Management Plan (BMP) shall be submitted to the Local Planning Authority providing details of how biodiversity net gain over and above the existing conditions of the site would be achieved. The plan shall include a method statement regarding careful timing of the clearance works, ecological supervision as required and shall extend to detailed methods of mitigating harm through the redevelopment of the site in response to any new findings present. The proposed development shall be implemented in accordance with the approved Biodiversity Management Plan.

4. Construction Methodology – Prior to commencement of the development hereby permitted, a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers shall be submitted to and approved in writing by the Local Planning Authority.
5. Surface water drainage strategy – Prior to commencement of development, a full and detailed surface water drainage strategy to supplement those details provided with the current application, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented strictly in accordance with the approved details.
6. Levels - Prior to the commencement of the development hereby permitted, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
7. Materials – No above ground works shall take place until samples of all materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority to ensure the proposed development will harmonise with the character of the surrounding area.
8. Landscaping – No above ground works shall take place until detail of hard/soft landscaping including scheme of planting and methods of tree protection have been submitted to and approved in writing by the Local Planning Authority. This shall extend to the details of additional planting to serve new dwelling, western part of the site adjacent to Carters Brook and full methodology of the works to facilitate the swept path and those works shall be implemented per the approved details and completed prior to first occupation of the new dwellings.
9. Boundary Treatment - Prior to first occupation details of all boundary treatment shall be provided and the installed in accordance with those approved details and maintained for the perpetuity of the development
10. Cycle Storage – Prior to first occupation details of cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority and those details shall be implemented and maintained
11. Refuse and recycling - Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
12. Vehicle Access – No part of the development shall be occupied until access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.

13. Wheel wash facilities - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.
14. Hours of construction - 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays unless otherwise agreed in writing.
15. Pedestrian Visibility Splay - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
16. Permitted development rights removed – No extensions (including porches), roof extensions or outbuildings without prior consent
17. Garage restriction – The garages permitted shall be used for the storage of motor vehicles only and not for any other use.
18. All dwellings approved to comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
19. All dwellings hereby approved to be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Informatives:

1. Precautionary advice for wildlife
2. Street name and numbering
3. Proposed changes to the public highway
4. Temporary use of the highway/storage of materials
5. Surface water management
6. Flood risk activity permit (requested by Environment Agency)

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Permission is sought for the formation of five detached dwellings with associated amenity areas and detached garages. As part of the current submission it is proposed to undertake works to the area of land to the immediate west of the site to facilitate improved access to the Manor to the north.

## **Site and Surroundings**

- 4.2 The application site is an area of open land on the northern side of Priory Road between the junctions of Priory Grove and Tees Drive and is bordered by open space to the north and south. A detached residential care home and semi-detached properties are situated to the east along Priory Road. Natural landscape with Carter's Brook act as a buffer to the west of premises fronting Tees Drive.
- 4.3 Ground level falls from west to east and the site accommodates a number of mature trees, principally to the rear where the site is enclosed by mid-height railings. There is pedestrian access present permitting access to the Manor beyond; however, this is not readily visible from the roadside and at the time of site inspection was obscured by mature vegetation and the change in ground level.
- 4.4 The surrounding area is characterised by two storey dwellings, a mixture of detached and semi-detached buildings. There is a general consistency in terms of massing with unifying features such as dark tones in the materials used and pitched roofs with gabled ends. The care home immediately to the east of the site represents somewhat of a departure from the established urban grain and bookends the semi-detached dwellings fronting Priory Road. It sits on a more prominent front building line and projects into the site at a depth greater than that of the adjacent residential dwellings occupying a considerable amount of the site.

## **Planning History**

- 4.5 The following planning decisions are relevant to the application: No relevant history.

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 5.2 The following consultees were invited to comment on the application:

LB Havering Street Management (Highways)  
LB Havering Waste and Recycling  
Environment Agency  
Fire Brigade (New hydrants)  
Fire Brigade (Access)

5.3 No objections were made from any of the above parties invited to comment, subject to suggested conditions and informatives as outlined in the preceding section of this report.

## **6. LOCAL REPRESENTATION**

6.1 A total of sixty-two neighbouring properties were notified about the application and invited to comment, in addition to this a site notice was displayed adjacent to the site and the application was advertised in the local press.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

6.3 No of individual responses: 186, of which: 185 objected, 1 supported

The following Councillors made representations:

The late Councillor Rumble

- It would be detrimental to the open nature of this area.
- It would have a great environmental impact.
- This area lies within a floodplain.
- The land is incorporated into the adjacent Dagnam Park and as such is an area where, historically, the parks resident deer roam.
- The proposed houses are of a totally different design and material and would not blend in with the existing homes.
- Cause added problems with parking in an area that already has a shortage of safe parking places , especially for visitors to the nearby dementia care home

Councillor Sargent

- A development on this valuable amenity space will have an extremely detrimental effect to the character and quality of the immediate area and the way it functions.
- This open space which allows access to Dagnam Park has been enjoyed by local residents and wildlife since the original estate was built.
- This proposed development would strip away further rights for members of the public to use this area.
- As mentioned in point 1 Dagnam Park Nature Reserve is directly behind this proposed development.
- Disturbance associated with this development is likely to have a major impact on established woods and wildlife where conditions are already ecologically stressed in terms of habitat or food availability.
- We also have a badgers set in this vicinity.
- Building works, noise, air pollution will most definitely push established wildlife away from this safe haven possibly out on to already very busy surrounding roads.

- This natural environment is a valued local asset offering a wide range of opportunities for enjoyment, recreational and sustainable activity.
- Planning and councils should protect, enhance and promote Havering's valued green infrastructure including open space and green networks.
- A housing development would not be a positive change for this area.
- The natural surrounding environment with irreplaceable native trees, hedgerows form part of the natural path for wildlife to follow, to and from the reserve.
- The development will also disturb the natural character of the area.
- Parcels of green land have slowly disappeared because of overdevelopment.
- The proposed site area is also known locally to be a flood plain.
- The loss of green space and tree's will progress the already quite often bogged site as the water will follow its natural course which in this case is heading down to the brook.
- Infrastructure
- Overdevelopment has a detrimental effect on already overstretched healthcare facilities with local hospitals current waiting times.
- This extends to our schools and an already heaving transport network with roads fit to burst with traffic at peak times.
- A significant rise in noise and air pollution.

## **Representations**

### Objections

6.4 It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc. The following issues were raised in the representations received:

- Loss of open space
- Loss of mature trees
- Harm to wildlife/loss of grazing space for Deer
- Increased traffic/loss of on-street parking
- Insufficient infrastructure
- Loss of Green-Belt land
- Noise and disruption during works
- Loss of views
- Harm to outlook
- Poor drainage, surface water run off would be worsened through development

6.5 The loss of open space is a material planning consideration and will be explored within the 'Material Planning Considerations' section, as will the ecological considerations of the proposed development including surface water drainage, matters of highways/parking and the impacts of the development on neighbouring amenity.

- 6.6 However, in response to comments made and to offer clarification on some of the above points, the proposed development does not reference the removal of any trees from the site, nor is the site situated within the Metropolitan Green Belt. A condition is suggested requiring details of landscaping/planting as well as methods for protection of mature trees.
- 6.7 With regards to matters of infrastructure, in particular from representations expressing concern over increased pressure on existing facilities through the current development and the cumulative impact of other development within the borough (for example increased demand for GP Surgeries and school places). The proposed development would be liable for contributions under the Mayoral Community Infrastructure Levy in addition to the Havering Community Infrastructure Levy. There would be an opportunity through CIL contributions to improve infrastructure within the borough.
- 6.8 Other matters include the suggestion of a covenant or agreement in place that the land was not meant to be developed and reference has been made to the historic redevelopment of the surrounding area. No evidence has been put forward to support this. However, planning permission, if granted, would not supersede any covenant or interest in land were this to exist. For the purposes of assessing the current application this is not a material planning consideration.
- 6.9 One letter of support was received, in addition comments were made welcoming the inclusion of dedicated/improved access to the Manor shown on submitted plans. The matters of surface water flooding and the appearance of the access/land were also indicated to be less than adequate during wetter periods.

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
- Principle of development
  - Local character/Design
  - Ecological impacts/trees
  - Flood risk
  - Quality of living environment for future occupiers
  - Impact on neighbouring amenity and;
  - Implications for highways, pedestrian access and parking

## **8 Principle of development**

- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres; however, it is designated as Public Open Space in the Local Development Framework (LDF).

- 8.2 Paragraph 97 of the National Planning Policy Framework (NPPF) states that existing open space and sports land should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.3 Policy 7.18 of the London Plan states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.
- 8.4 The Open Space Standards Paper (2016) (OSS) was commissioned by London Borough of Havering to identify deficiencies and surpluses in existing open space provision to inform the future provision for open spaces within the Borough. In addition, it was to serve as a mechanism to enable an approach to securing open space facilities through new housing development and help form the basis for negotiation with developers for contributions towards the provision of appropriate open space facilities and their long term maintenance.
- 8.5 A total of 171 sites receive a rating for quality and value out of the 176 sites included in the audit. Sites not receiving a quality and value score were either not viewable at the time of the visit or only added to the study at a late stage. Most assessed open spaces in LBH (73%) rated above the quality thresholds set. Proportionally a higher percentage of parks and gardens (77%) rated above the threshold for quality. This is a reflection of their excellent appearance and high standard.
- 8.6 The Open Space Assessment Report (2016) provides detail with regard to what provision exists in the Borough, its condition, distribution and overall quality. It considers the demand for provision up to 2032 based upon population distribution, planned growth and consultation findings.
- 8.7 The application site is designated by both the Open Space Standards Paper (OSS) and Open Space Assessment Report (OSA) as being located within the "North Analysis Area". The OSA outlines that the North Analysis Area sufficiently meets the needs of residents for amenity green-space recommended based on the wider Havering standard (0.52 hectares per 1000 population). The document supports improving the quality of existing provision and those areas designated as scoring low for quality and low for value are considered the priority.
- 8.8 Whilst the findings of the OSA could be reasoned to support the view that the requirements Para 97(a) of the Framework have been met, the proposed development would offer tangible benefits to alternative provision which must also be considered. The application site is categorised as low quality, high value

by the Open Space Standards Paper. Therefore, opportunities which might improve the contribution of the site are regarded as being policy compliant and within the meaning of Para 97(b) of the NPPF. The study outlines that the preferred approach for sites of equivalent value (those of Low Quality/High Value) is to enhance their quality. It is however not exhaustive on how this can be achieved. The document indicates that the suggested action for the site in question is to revisit the general appearance and maintenance of the area.

- 8.9 LDF Policy DC18 is a key consideration and requires that the Council seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership. Any loss of open space to a non recreation/leisure use must be accompanied by an improvement to the quality of open space in the vicinity or to remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough. There is not regarded as being a deficiency of open-space within the immediate context. However, Policy 7.18 of the London Plan, which is also relevant, states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.
- 8.10 The present purpose of the land is as recreational open space. It is well maintained and tended by the Council. Representations made by residents support the view that the land is frequently used by residents, in addition to the local deer population are who indicated to use the land for grazing. It serves as a means of access to the Manor Field beyond; however, the means of access is not readily visible from the roadside due to its location. The site is bounded by formalised boundary treatment to the rear and in the north western corner of the site, bordering the Manor beyond is a set of kissing-gates. Representations made by residents express concern over the loss of access to the Manor for residents and wildlife; however, central to the current proposals is a means of providing access to the Manor beyond in line with the Council's long-term vision of providing a Green Network. This, in addition to the benefits associated should be tempered against the loss of the open-space in its present form
- 8.11 Informal recreation has considerable health benefits for physical and emotional wellbeing. The majority of the population are more likely to participate in passive, rather than active recreation, and provision should be made for them to do this, by encouraging them and making it as easy and inviting as possible. The current development in seeking to alter the pedestrian experience would improve accessibility to the open space beyond through works shown to the western part of the site. The current arrangement presents a barrier for access to be taken for those with mobility issues which may preclude against or discourage some residents from accessing the Manor grounds to the rear of the application site. The current proposals make provision for a more inclusive means of access whilst also making new provision for Council operatives in connection with maintenance of the land beyond.
- 8.12 As to whether the proposed development would comply with London Plan Policy 7.18, it could be reasoned that through the absence of any deficit identified in the Open Space Assessment Report that the loss of part of the site to private dwellings would be met by alternative provision within the locality.

However; the additional works proposed to improve access for residents are a key consideration in so far as that those works would improve the quality of existing provision by making the land beyond the site more accessible. It is accepted that these benefits are to some extent a matter of judgement as the policy and associated commentary gives no further guidance on how equivalency or quality should be assessed.

- 8.13 A further consideration for members and a consideration that may further temper any perceived harm in the loss of the open space for redevelopment are the results of the 2020 Housing Delivery Test (HDT 2020). The HDT 2020 results found that delivery of housing in the borough was well below the requirement over the designated period. Consequently the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.
- 8.14 The NPPF offers support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF are also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.
- 8.15 In considering the proposed development and in view of the wider access to public open space members will need weigh up the loss of what is a relatively small area in the context of the North Analysis Area, alongside the public benefit offered through improving accessibility to the site and the Manor beyond, whilst also giving consideration to the development providing much needed housing stock in line with Borough targets. It is acknowledged that different weight may be attributed to these matters by residents and members; however, when viewed objectively it is not envisaged that the redevelopment of the site would be unacceptable in principle. The wider character impacts require further assessment.

## **9. Local character/Design**

- 9.1 The character implications of the development stem principally from the formation of dwellings in this location and the perception that this may adversely harm the rural and spacious character of the area. Open spaces contribute positively to local character and in this location are juxtaposed by the presence of dwellings. However, the application lends itself to redevelopment owing to the existing rhythm and pattern of development on the northern side of this part of Priory Road.
- 9.2 The development proposes the construction of family housing on the site. The proposed buildings are laid out in linear form, with influence taken from the surrounding environment. Whilst the immediate context is not formed of detached dwellings, they would not unduly harm local character in the opinion of officers, in view of the broader patterns of development and general rhythm that is present.

- 9.3 The surrounding environment is populated predominantly by two storey semi-detached dwellings with steeply pitched roofs and gabled ends. The area to the east of the application site is bookended by the Priory Care Home which is a large detached building with gabled ends and prominent two storey front projection with hipped roof.
- 9.4 The proposed dwellings would follow the building orientation of the buildings to the east, which are angled within their respective plots to front Priory Road. Whilst the proposed dwellings would be forward of the front building line of adjacent premises they would be at a point that could be regarded as transitional and somewhere between the properties to the east and those to the west which are separated by the more rural area alongside Carters Brook which does not form part of the application site. The overall ridge height and massing would appear compatible with the dwellings designed to follow the gradient of the existing land which falls away from east to west as evidenced by the street-scene elevation provided.
- 9.5 The building design incorporates a regular appearance for a two-storey detached dwelling with a pitched roof, replicating the gabled ends and front projection present elsewhere within the street-scene. The design would incorporate a facing brick façade and a staggered front building line, with a front door and major openings presenting to the street. Although the building design does not explicitly mimic the architectural style of other premises within the immediate context, it is possible to conclude that the approach has been informed by surrounding built form to the extent that the dwellings would not appear incongruous visually.
- 9.6 The form and layout of development indicated would be compatible with the character of surrounding development. All dwellings are indicated to be set back from the site frontages in a manner that is consistent with local character and setting. The provision of detached garages set forward of the principal elevation, whilst not a feature present within the locality, is not considered to be an element where harm could be derived given the spacious character of the respective plots and separation from the back edge of the pedestrian footpath.
- 9.7 The proposed development would be acceptable on design grounds and when assessed against the Havering Core Strategy (HCS) Policy DC61, which requires new developments to be satisfactorily located and of a high standard of design and layout, which are compatible with the character of the surrounding area.

## **10. Ecological impacts/trees**

- 10.1 A full Arboricultural Report was undertaken with regards to the presence of trees on the site. Whilst there are no tree preservation orders imposed upon the site; there is no intention to remove any trees as part of the proposed development in the case of either the proposed dwellings or the supporting works to facilitate access to the Manor.

- 10.2 In the case of the proposed dwellings and associated development this would be well removed from any trees which were observed to be located at the extremities of the site bordering the Manor to the rear. The report outlines that to implement the permission sought there would be sufficient distance from the constraints offered by the existing trees to prevent any direct impact. Methods are suggested to ensure that the existing specimens are protected during the course of the development in the event of approval. The measures whilst acceptable in principle are not exhaustive however, and therefore a condition is suggested requiring further details and methodology for their protection during the course of development.
- 10.3 In addition a full ecological survey was commissioned with a walk-over study undertaken which encompassed the site in its entirety including the land adjacent to the site to the west forming a copse and small stream (Carters Brook). The findings of the consultant were that the development was expected to have no, or only minor adverse impacts on ecology and biodiversity and some gains subject to the recommendations set out in the assessment being met, enforced and monitored.
- 10.4 The area of land to which the dwellings would be sited is well-maintained and tended land which at the time of site inspection was open with trees and shrubs located at the extremities of the site, to the borders and the rear. It is accepted that the red-line plan encompasses the more densely populated area to the west of the site adjacent to Carters Brook which is of wholly different character to the site by in large; however, the extent of works to this area of the site are limited, with the swept path to serve the Manor beyond tracing the outline of the existing landscaping. Given the limited available habitat present where the dwellings would be located it is unlikely that there would be any harm arising in ecological terms, which is a view corroborated by the findings of the consultant.
- 10.5 As such the location of the proposed dwellings would be sufficiently well removed from the land adjacent to Carters Brooks. Whilst land surrounding Carters Brook forms part of the application site, through the formation of the access to the Manor Fields, as indicated, the swept path to serve residents would be alongside the rear garden of the western most dwelling and the land adjacent to Carters Brook. The path would run alongside and under the existing tree canopy as shown on drawing no. 3410\_PL03B. The view is that there would be sufficient separation from the area immediately adjacent to Carters Brook so as to mitigate any adverse harm to any ecological presence which may otherwise have been harmed by a more intrusive approach to this area of the site.
- 10.6 Whilst the assessment undertaken as part of this submission finds the area of the site to which the permission relates to be of relatively low immediate ecological value and capable of being protected through measures to be secured by planning condition this does not discharge the applicant from responsibilities under the Wildlife and Countryside Act 1981, the contravention of which would be a criminal offence. An informative would be placed on any approval setting out the responsibilities of the applicant.

- 10.7 In most circumstances it is accepted within the planning system that it is possible to avoid causing harm to protected species and wildlife through the timing of works, or if necessary through other methods of mitigation. Whilst the redevelopment of the site for new dwellings would be removed from the land immediately adjacent to Carters Brook, it is accepted that the development including formation of the swept path would hold the potential to disrupt nearby wildlife, potentially not present during the walk over survey. A condition requiring an updated survey prior to commencement of any works is regarded as being reasonable.
- 10.8 The updated survey will be required to expand further upon those methods set out in the survey submitted with the application in response to any new findings, including further details of avoidance of harm through best practice, monitoring, management, remediation measures and details of action to be taken in the event that previously unidentified protected species are encountered during works. It is envisaged that such a condition as is proposed would be capable of securing biodiversity net gain over and above the existing condition of the site through careful timing of the clearance works and ecological supervision as required in accordance with LDF Policy DC59 and the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended).

## **11. Flood risk**

- 11.1 Part of the site is within a Flood Zone and as such the applicant has provided a Flood Risk Assessment and Surface Water Drainage strategy. The edges of the site are known to be in Flood Zone 3 (focused mainly around the copse and Carters Brook); however, the location of the actual dwellings proposed would be set away from this area of the site and within Flood Zone 1, due to the gradient of Priory Road and level change. The principal flood risk for the new dwellings would be the watercourse running parallel to the site (Carters Brook); however, owing to the location of the proposed dwellings and their relative separation in addition to the change in ground level, it is envisaged that any flood water would run parallel to the western boundary of the site.
- 11.2 With regards to surface water discharge at the site, in suburban areas where non-permeable surfacing exists this is an ever-present risk. Accordingly measures must be taken with new development to ensure that any adverse impacts are mitigated through appropriate responses to site constraints. Through the formation of dwellings in this location there would be an increase in the impermeable area of the site and thus the volume of water discharging from the site would be increased.
- 11.3 Owing to the ground type present infiltration is not an option in this location for surface water run-off and the applicant instead proposes to discharge surface water to the watercourse to the west of the site. This methodology proposes, in so far as is possible given the increase in impermeable area, to mimic the existing situation through onsite attenuation. This would be provided through shallow swales located in the Flood Zone 1 area of the site. From review of the measures provided it is envisaged that an appropriate response to the constraints of the site is capable of being achieved and further details of a

SUDS scheme, having regard to further detailed design, would be secured by planning condition.

- 11.4 The swept path through to the Manor would be comprised of permeable materials and is not considered to pose any adverse impacts upon the resultant arrangement. In all, it is considered that through a detailed surface water drainage strategy that any potentially adverse impacts are capable of being mitigated.
- 11.5 The Environment Agency were invited to comment on the current proposals over the impact of the development in terms of Flood Risk for the proposed dwellings, associated landscaping and access adjacent and did not raise an objection. It is on that basis that it is not considered that there are any grounds with which to withhold permission on those matters.

## **12. Amenity of Future Occupiers**

- 12.1 Having applied the standards required by the London Plan Policy 3.5 (which is derived from the DCLG Technical Housing Standards) the gross internal floor area and bedroom size and mix would exceed the given minimum standards. Outlook and aspect would be consistent with a high quality living environment.
- 12.2 New dwellings must also demonstrate an acceptable arrangement of private amenity space. Given the size of the plots respectively, level of separation from one another and positioning of the dwellings each would benefit from a generously sized rear garden area.
- 12.3 The presence of the adjacent care home is noted as it is evident that there are primary windows in the side facing elevation. Notwithstanding that the adjacent building is reliant on borrowed outlook, the position of windows in this elevation would hold the potential to overlook the rear gardens of the development site or to a lesser extent contribute to the perception of being overlooked through the arrangement of windows present. A scheme of landscaping/boundary treatment may offer some benefits; however, it would not entirely be capable of fully addressing this matter.
- 12.4 The arrangement is not considered to result in material harm or to compromise the other qualities of the scheme under consideration. The most private area of a rear garden has been held to be that immediately adjacent to the rear elevation. The windows in the adjacent Care Home are angled across the plots and views would be at an oblique angle, certainly not over the most private part of the rear gardens or to the extent that there would be inter-looking from primary windows. Whilst there would be views over some of the plots, in particular the eastern most dwelling this is regarded as a matter of judgement for future occupiers rather than a failing of the scheme for which permission could be withheld.

## **13. Impact on amenity of surrounding residential properties**

- 13.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through

overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

- 13.2 Whilst representations have been made by residents which express concern over loss of view, the loss of a view or perception of this is not a material planning consideration. Loss of view relates more broadly to views held over greater distances, whereas the loss of outlook which would be a material planning consideration, relates to the physical presence of a building or structure and the harm arising from that close proximity. This would translate to harm in planning terms through a potential to be overbearing or intrusive development. With the level of separation involved from those premises fronting Tees Drive and the relatively self-contained characteristics of the plot, the amenity impacts of the development are limited to the adjacent Care Home, primarily the eastern most proposed dwelling.
- 13.3 To that end, there are a number of windows located in the side elevation of that Care Home and records held by the Council confirm that they serve a mixture of bedrooms and other habitable spaces. There is then a potential for redevelopment of the adjacent land to prejudice outlook and light to those windows to the detriment of the amenity of occupants. However, the flank wall of the adjacent Residential Home is angled across the application plot and the eastern most dwelling would after consideration be well separated. It is not considered that there would be any potential for inter-looking, nor harm to outlook from those windows due to the position of the eastern most dwelling on the site and the angled position of the proposed dwelling and Care Home respectively.
- 13.4 Whilst there is potential for there to be some loss of light, or level of overshadowing in the afternoon/evening it is not considered that any loss of light, or level of overshadowing would be substantial enough so as to substantiate a decision to refuse permission.
- 13.5 As indicated previously, flank windows would have unimpeded views over the rear gardens of the proposed dwellings. This is regarded as a matter for prospective occupants to consider rather than a failing of the scheme.

#### **14. Implications for highways, pedestrian access and parking**

- 14.1 Policy DC33 seeks to ensure that all new developments make adequate provision for car parking. The PTAL rating for the site is 1B which translates as poor access to public transport. This would translate to a high parking provision for new dwellings equivalent to two spaces per dwelling.
- 14.2 Public Transport Accessibility Levels (PTALs) are used by TfL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should

reduce as public transport accessibility increases. London Plan Policy 6.13 requires outer London boroughs to take account of residents' dependency on cars in areas with low public transport accessibility (generally PTALS 0-1). Where appropriate the London Plan suggests that Boroughs consider revised standards (which could include minima) and encourages higher levels of provision than what is generally permissible, to avoid generating unacceptable pressure for on-street parking.

14.3 Whilst comments made by residents are noted, no objection has been made by the Highway Authority. On that basis, the loss of on-street parking is regarded as acceptable and that there are no matters with which to withhold permission on matters of Highways/Parking.

14.4 A condition is to be imposed restricting the use of the garage of each dwelling in the event of approval to ensure that it remains solely for the storage of vehicles.

## **15. Conclusion**

15.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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**Subject:** Quarterly Planning Performance Update Report.

**Report Author:** Simon Thelwell, Head of Strategic Development

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## **1 BACKGROUND**

- 1.1 This quarterly report produces a summary of performance on planning applications/appeals and planning enforcement for the previous quarter, October to December 2020.
- 1.2 Details of any planning appeal decisions in the quarters where committee resolved to refuse planning permission contrary to officer recommendation are also given.
- 1.3 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application

## **2 RECOMMENDATION**

That the report be noted.

## **3 QUALITY OF PLANNING DECISIONS**

- 3.1 In accordance with the published government standards, quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major applications are assessed separately. If more than 10% of the total

decisions in each category over the stated period were allowed on appeal, the threshold for designation would be exceeded. Due to the fact that 10% of the number of non-major decisions made exceeds the total number of appeals, there is no chance of designation so the performance against the non-major target will not be published in this report, although it will still be monitored by officers.

3.2 In December 2020, MHCLG announced that there would be two periods of assessment for the purposes of designation:

- decisions between 1 April 2018 and 31 March 2020, with subsequent appeal decisions to December 2020

- decisions between 1 April 2019 and 31 March 2021, with subsequent appeal decisions to December 2021

3.3 With regard to the period of decisions between 1 April 2018 and 31 March 2020, with subsequent appeal decisions to December 2020, the period has passed with the final figure at 4.5% appeals allowed for major applications and 0% for county matter applications. Therefore the Council is not at risk of designation for this period.

3.4 The current figures for April 2019 to March 2021 are:

Total number of planning decisions over period (to date): 48

Number of appeals allowed: 1

% of appeals allowed: 2.1%

Appeals still to be determined: 4

Refusals which could still be appealed: 2

County Matter Applications:

Total number of planning decisions over period (to date): 4

Number of appeals allowed: 0

% of appeals allowed: 0%

Appeals still to be determined: 1

Refusals which could still be appealed: 1

3.5 Due to the low number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. Consequently, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.

3.6 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where either the Strategic Planning Committee/Planning Committee

resolved to refuse planning permission contrary to officer recommendation.  
This is provided in the table below.

<b>Appeal Decisions Oct-Dec 2020</b>				
<b>Total Number of Appeal Decisions - 44</b>				
<b>Appeals Allowed - 8</b>				
<b>Appeals Dismissed - 36</b>				
<b>% Appeals Allowed - 18.2%</b>				
<b>Appeal Decisions where Committee Decision Contrary to Officer Recommendation</b>				
<b>Total Number of Appeal Decisions - 1</b>				
<b>Appeals Allowed - 1</b>				
<b>Appeals Dismissed - 0</b>				
<b>% Appeals Allowed - 100%</b>				
Appeal Decisions Oct-Dec 2020 Decision by Committee Contrary to Officer Recommendation				
<b>Date of Committee</b>	<b>Application Details</b>	<b>Summary Reason for Refusal</b>	<b>Appeal Decision</b>	<b>Summary of Inspectors Findings</b>
Strategic Planning Committee 27 June 2019	P1292.15 – 23-55 North Street, Romford  Redevelopment, including the retention of the part built structure to provide a mixed use development comprising a 6-16 storey building, 98 residential units, flexible uses at ground floor.	Proposal would have an incongruous character and appearance that is harmful to views in and out of the conservation area, detracting from the urban grain and visual amenity of the area.	Appeal Allowed	The character of the area surrounding the site changes dramatically over small distances and reflects the evolution of the town over time. The proposal would be entirely in keeping with its immediate context. The proposal is of high quality and would enhance the appearance of the conservation area.

#### **4 SPEED OF PLANNING DECISIONS**

- 4.1 In accordance with the published government standards, speed of decision applies to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

4.2 In December 2020 MHCLG announced that there would be two periods assessed for the purposes of designation:

- Decisions made between October 2018 and September 2020
- Decisions made between October 2019 and September 2021

4.3 Performance to date on these is as follows:

October 2018 to September 2020

Major Development – 82% in time

County Matter – 71% in time

Non-Major Decisions - 89% in time

October 2019 to September 2021 (to date)

Major Development – 83% in time

County Matter – 50% in time

Non-Major Decisions - 88% in time

4.4 Based on the above performance, the Council is not at risk of designation for the 2 year period that ended in September 2020. The Council is currently at risk of designation due to speed of decision in relation to County Matters in the current period – however this is based on only two decisions with a nine months of decisions to be made. The figure for future periods will continue to be monitored.

## 5 PLANNING ENFORCEMENT

5.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the relevant quarter. This information is provided below:

Oct – Dec 2020
Number of Enforcement Complaints Received: 109
Number of Enforcement Complaints Closed: 101

Number of Enforcement Notices Issued: 22	
Enforcement Notices Issued in Quarter	
Address	Subject of Notice
141 Carter Drive, Romford	Unauthorised dormer
14A Hog Hill Road, Romford	Change of use to vehicle storage and repairs
21 Yew Tree Gardens, Romford	Unauthorised raised platform in rear garden
Units B3, B12, B13 & B14, Suttons Business Park, New Road, Rainham	Unauthorised fence, freezer units, containers and storage
2 Wincanton Road, Romford	Unauthorised front/side boundary gates/railings
6 Wincanton Road, Romford	Unauthorised front boundary gates/railings
99 Victoria Road, Romford	Change of use to vehicle washing centre
100 Havering Road, Romford	Unauthorised front/side boundary walls/gates/railings
2 Kingsley Gardens, Hornchurch	Unauthorised side extension
26 Beechfield Gardens, Romford	Change of use to HMO
9 Broadway Parade, The Broadway, Hornchurch	Unauthorised front extensions
38 St Johns Road, Romford	Unauthorised rear extension
Magnolia, Lambs Lane North, Rainham	Unauthorised front boundary walls/gates/railings
Mystole, Lambs Lane North, Rainham	Unauthorised front boundary walls/gates/railings
176 Mawney Road, Romford	Unauthorised seating enclosure and canopy to front
18 Crowlands Avenue, Romford	Unauthorised first floor rear extension
48 Heath Drive, Romford	Breach of Conditions – No pre-commencement details submitted
6 Broadway Parade, The Broadway, Hornchurch	Unauthorised seating enclosure and canopy to front
325 Hilldene Avenue, Romford	1) Change of use to HMO 2) Use of annexe as self-contained residential accommodation
2D Woburn Avenue, Hornchurch	Unauthorised parapet walls and wooden overhang
New Acres, West side Benskins Lane, Noak Hill, Romford	Change of use to residential use as a travellers site and associated operational development

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